

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DONNA MARIE VOGT,

Plaintiff,

v.

Case No. 21-cv-1452-bhl

DONALD H VOGT, et al.,

Defendants.

ORDER DISMISSING THE CASE SUA SPONTE

On December 22, 2021, *pro se* Plaintiff Donna Marie Vogt filed this action against 18 named Defendants. (ECF No. 1). The complaint, though largely unintelligible, appears to be a continuation of or attempt to amend the complaint Plaintiff filed in a prior case, 21-cv-1347. But whether this new case should have been opened or if this complaint should have simply been filed as part of Plaintiff's prior action is ultimately irrelevant. The complaint, read on its own or in conjunction with the papers filed in 21-cv-1347, is entirely frivolous and must be dismissed *sua sponte* pursuant to 28 U.S.C. §1915(e).

Under 28 U.S.C. §1915(e):

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss [a] case at any time if the court determines that . . .

(B) the action or appeal—

(i) is frivolous or malicious.

“A frivolous complaint is one in which ‘the petitioner can make no rational argument in law or facts to support his or her claim for relief.’” *Williams v. Faulkner*, 837 F.2d 304, 306 (7th Cir. 1988) (quoting *Jones v. Morris*, 777 F.2d 1277, 1279-80 (7th Cir. 1985)). Rational arguments in support of a claim for relief are impossible where “the plaintiff’s allegations are so ‘fanciful,’ ‘fantastic,’ and ‘delusional’ as to be ‘wholly incredible.’” *Bussie v. Attorney General*, 2013 WL 3934179, at *2 (W.D. Wis. July 30, 2013) (quoting *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992)). While *pro se* pleadings are held to less stringent standards than those drafted by lawyers, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), not even excessively liberal construction rescues frivolous *pro se* complaints. *See Denton*, 504 U.S. at 33.

In this instance, Plaintiff's factual allegations are either absurd or incomprehensible (and sometimes both). She references secret frauds, (ECF No. 1 at 4), secret divorce hearings (*Id.* at 10), and a plot by financial services giant Raymond James to burn down her home and mess with her mind through "helicopter threats." (*Id.* at 4.) Such allegations are more than implausible; they are the product of delusion. Throughout her 59-page screed, Plaintiff fails to provide anything more than wildly incredible claims. Accordingly, the Court will dismiss the case as frivolous *sua sponte* pursuant to 28 U.S.C. §1915(e)(2)(B)(i).

For the foregoing reasons,

IT IS HEREBY ORDERED that Plaintiff's case is frivolous under 28 U.S.C. §1915(e)(2)(B)(i). Accordingly, the case is **DISMISSED**. The Clerk of Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin on January 4, 2022.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge